IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.780 of 2006

Mr.Hitendra Ashok Parmar .. Petitioner.
Vs.
The State of Maharashtra
and Ors. .. Respondents.

None for the petitioner.
Mr.S.V.More A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 7th JUNE, 2006

P.C.:

. Heard learned A.P.P. for the State.

2. By this petition, the petitioner is seeking to quash and set aside the FIR No.78 of 2006.

3. It is well settled position in law that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice. The FIR is only an intimation to move the machinery and to investigate into a cognizable offence and, therefore, while exercising the power and deciding whether the

investigation itself should be quashed, utmost care should be taken by the Court and at that stage, it is not possible for the Court to shift the materials or to weigh the materials and then come to the conclusion one way or the other. This is settled by the Supreme Court in **State of Kerala Vs. O.C.Kuttan (1999) 8 SCC 651**. In the case of **State of U.P. Vs. O.P.Sharma (1996) 7 SCC 705** a three-Judge Bench of the Supreme Court indicated that the High Court should be loath to interfere at the threshold to thwart the prosecution exercising its inherent power under section 482 or under Articles 226 and 227 of the Constitution of India, as the case may be, and allow the law to take its own course. Keeping the aforesaid position of law settled by the Supreme Court in view and considering that in any case it cannot be said that the complaint does not disclose any offence at all, this writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)